



ANAHEIM POLICE DEPARTMENT

July 18, 2019

Freddy Martinez
MuckRock News
DEPT MR 75495
411A Highland Ave
Somerville, MA 02144
202-332-6793

*Sent via U.S. Mail.

Re: Public Records Act Request (Gov. Code § 6250, et seq.)

Request APD 06242019 Martinez, Freddy-Facial Recognition
Request APD 07112019 Martinez, Freddy-Facial Recognition- 2

Dear Mr. Martinez:

The City of Anaheim ("City") received your Public Records Act requests dated June 24, 2019 and July 11, 2019, wherein you seek the following:

I hereby request the following records: On Thursday, December 21, 2017, the Communication Supervisor of the Anaheim Police Department sent an email to Washington County Sheriff's Office titled "Anaheim". Specifically the Communication Supervisor stated: "To give you some background, we have been talking to a company that does facial recognition as well as indexing videos for words, phrases, objects, OCR, and geolocations. Our initial plan was to start with the booking photos and test the product but the product itself hasn't been well received. This is how I came across your article: <https://aws.amazon.com/blogs/ai/using-amazon-rekognition-to-identify-persons-of-interest-for-law-enforcement/> - I loved the simplicity of it while keeping the information under our span of control." Therefore under CPRA we are seeking:

- Documents sufficient to show discussion about Rekognition between Washington County Sheriff and your police department.
- Documents sufficient to show discussions between your police department and the facial recognition company mentioned in the email.
- Copies of documents sufficient to show any testing, trials, or assessments of the use of Amazon's Rekognition Technology or any other facial recognition software.
- We further request a copy of any training materials for the use of facial recognition technology provided to your officers.

- We further request any MOUs, privacy policies, privacy impact assessments, directives or other policies your agency has governing the use of facial recognition technology.

...Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services. This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial recognition services under consideration or contract with this agency.

Responsive materials include but are not limited to:

- Agreements: contracts (including non-disclosure agreements), licensing agreements, nondisclosure agreements
- Bid records: Requests For Proposal (or equivalent calls for bids), sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question
- Company relations and communications: records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing face recognition to this agency for immigration, intelligence, law enforcement, or other use.
- Financial records: purchase orders, invoices, and other memoranda and documentation.
- Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology
- Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcement, or other purposes. Any memoranda of understanding between this agency and other agencies to share data, access remote systems or other forms of information sharing with external agencies.
- Training records: training material governing the use, sharing, or access to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology. Documents, should they exist, about training for bias in the use of facial recognition technology.
- Use and function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.
- Validation and accuracy: Records, reports, audits, and other documents sufficient to describe validation, accuracy, reliability, and policy compliance of the system. Please limit the search to records produced from January 1, 2017 – present.

Please note that certain records may no longer be available in accordance with the City's council-approved retention schedule.

Please note that certain Anaheim Police Department records, or portions thereof, which may otherwise be responsive to your request may be withheld from production and/or redacted pursuant to the following exemptions provided under the Public Records Act:

- The records are subject to the public interest exemption provided by Government Code § 6255;
- The records contain personal contact information, which is exempt from disclosure pursuant to Government Code § 6255(a).
- The records consist of notes and/or drafts (Gov't. Code §§ 6254(a)).
- Certain records are protected by the Attorney-Client Privilege and/or the Attorney Work Product Doctrine (Evid. Code, § 950 et seq.; Code Civ. Proc., § 2018.030; Gov. Code, § 6254(k)

Without waiving the foregoing exemptions, and subject to them, the Anaheim Police Department has identified and compiled records responsive to your requests. Please contact Acting Records Manager Heather McGhee to confirm your interest in obtaining these records and to arrange for payment and production of the documents. If arrangements to produce or inspect the records are not made within 20 days from the date of this letter, you may be required to submit a new request.

Should you have any questions, please contact the undersigned. Thank you for your kind cooperation in this regard.

Very Truly Yours,


Heather McGhee
Acting Records Manager